

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES R. ADAMS,

Petitioner,

v.

Case Number 2:17-CV-11056
HONORABLE SEAN F. COX
UNITED STATES DISTRICT JUDGE

DANIEL LESATZ,

Respondent,

_____ /

**OPINION AND ORDER GRANTING THE MOTION
FOR AN EXTENSION OF TIME TO RE-OPEN THE CASE (ECF No. 28)**

Petitioner filed an amended habeas petition, which was held in abeyance so that petitioner could return to the state courts to exhaust additional claims. Petitioner was also given sixty days to move to reopen his petition following the conclusion of post-conviction proceedings in the state courts,

Petitioner has sent a letter to this Court, which is construed as a motion for an extension of time to re-open his case following the exhaustion of state court remedies. For the reasons that follow, the motion is GRANTED.

Petitioner claims that he needs more time to prepare and file a motion to reopen the petition and an amended habeas petition because a resurgence of the Covid-19 Pandemic has prevented him from obtaining the services of a prisoner paralegal through the Legal Writers Program to assist him with his pleadings, coupled with a temporary closure of the prison law library.

A federal district court has the power to extend the stay of a habeas petition, particularly where the respondent does not oppose the extension of the stay. *See e.g. Roberts v. Norris*, 415 F.3d 816, 819 (8th Cir. 2005). Petitioner did all that he could reasonably do to re-file his habeas petition with this Court following the exhaustion of his state court remedies, but was “prevented

in some extraordinary way” from re-filing the petition with this Court on time. Accordingly, an enlargement of time should be granted to petitioner. *See Schillereff v. Quarterman*, 304 F. App’x. 310, 314 (5th Cir. 2008). Petitioner is granted an additional sixty days from the date of this order to move to reopen the case.

ORDER

IT IS HEREBY ORDERED that:

The motion for an extension of time to reopen the case is GRANTED. Petitioner has sixty days from the date of this order to move to reopen the case.

Dated: December 22, 2020

s/Sean F. Cox

Sean F. Cox
U. S. District Judge